June 9, 2010

TO: Teresa Parsons, SPHR
Director's Review Program Supervisor

FROM: Kris Brophy, SPHR
Director's Review Investigator

SUBJECT: Jeremy Jewkes v. Department of Transportation (WSDOT)
Allocation Review Request ALLO-09-058

Director's Determination

This position review was based on the work performed for the six-month period prior to July 27, 2009, the date WSDOT's South Central Region (SCR) Personnel received the request for position review. As the Director's Review Investigator, I carefully considered all of the documentation in the file, the exhibits, and the verbal comments provided by both parties during the telephone conference, as well as the follow-up correspondence. Based on my review and analysis of Mr. Jewkes' assigned duties and responsibilities, I conclude his position is properly allocated to the Transportation Engineer 1 classification**.**

Background

On July 27, 2009, WSDOT's SCR Personnel Office received Mr. Jewkes' Position Description form, signed on July 24, 2009 requesting his Transportation Engineer 1 (TE 1) position be reallocated to a Transportation Engineer 2 (TE 2). On September 8, 2009, Michelle McNamara, Human Resource Consultant, notified Mr. Jewkes' that his position was properly allocated as a TE 1. Ms. McNamara concluded the majority of duties assigned to the position and the level of supervision received met the TE 1 classification (Exhibit B-4).

On October 7, 2009, the Department of Personnel (DOP) received his request for a Director's review of WSDOT's allocation decision (Exhibit A-1).

On March 29, 2010, I conducted a Director's review by telephone conference regarding the position allocation of Jeremy Jewkes. Present during the call were Jeremy Jewkes; Michelle McNamara, Human Resource Consultant, South Central Region (SCR); Janet

Kinney, Administrative Officer, SCR; Alex Sanguino, Assistant Project Engineer, Project Engineer Office (PEO); Michael Adams, Design Team Lead Office Engineer, PEO; Janet Kinney, Administrative Officer, SCR; Niki Pavlicek, Classification and Compensation Manager, DOT Headquarters.

By email dated April 6, Mr. Jewkes submitted a follow-up written statement regarding issues raised during the telephone conference. Mr. Jewkes submitted an attached Excel spreadsheet documenting his hours worked on a weekly basis for the time period under review. By email dated April 16, Niki Pavlicek submitted a response to Mr. Jewkes written statement. These materials have been incorporated herein as Exhibits A-11, A12; and B-10 respectively.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Duties and Responsibilities

I reviewed the Position Description form (Classified Position Description) completed by Mr. Jewkes and signed by his supervisor and DOT management dated July 24, 2009 (Exhibit B-1).

Mr. Jewkes' position is located in the Project Engineer Office (PEO) of the South Central Region of DOT. The PEO provides professional engineering services for transportation construction projects in the Tri-Cities region. Mr. Jewkes' unit provides preliminary engineering project development work for assigned DOT construction projects in the region (Exhibit B-6).

Mr. Jewkes' position principally involves performing professional-level engineering work assisting in the preparation and development of construction designs and reports. In the telephone conference call, Mr. Jewkes stated that the primary focus of his work during the review period involved modeling roadway cross-sections and completing roundabout designs and other interchange work.

Mr. Jewkes worked primarily on two major projects during the timeframe under review. This included the US 12 / SR 124 Build Interchange project which was approximately 30% designed at the beginning of the review period. Mr. Jewkes' unit took the project through the plans, specifications and estimates (PS&E) process during the review period.

Mr. Jewkes also worked on the US 395 / Columbia Drive to SR 240 Rebuild Interchange project. This was a 2008 project with some crossover and further redesign in 2009. This primarily involved reconfiguring design issues as they came up.

In the position description form (PDF) submitted for reallocation (Exhibit B-1), Mr. Jewkes states that ninety percent of his work involves performing responsible project development work. Mr. Jewkes describes his duties directly from the "Preliminary Engineering" typical work section of the TE2 class specification:

> "..field reviews projects; evaluates alternate designs requiring detailed analysis of accident data, capacity studies, hydraulics, etc.; prepares and/or reviews prospectuses, design reports, hydraulics reports, access reports, environmental documents, design estimates, right of way plans, contract plans, specifications, estimates and special provisions using field data and standard design criteria for projects such as intersections, interchanges, grading, paving, resurfacing, drainage, channelization and safety improvements; utilizes mainframe, personal computers and work stations for horizontal and vertical alignment, earthwork, drainage analysis, quantities, cost estimates, technical written text and computer assisted design/drafting; investigates and writes justifications for minor design deviations; coordinates and reviews projects with cities, counties, and other agencies; instructs and directs support staff in preparation of quantities, estimates, grades, elevations, maps, plans, profiles, cross sections, details, structural notes and beginning level design; directs a crew of CADD operators or performs the most complex automated plans drafting involving interchanges, new alignments, and non-standard applications."

He states his specific project development work involves the following:

> "…Wall Site Data, Bridge Site Data, Roundabout Design, Interchange Design, modeling in Inroads, field reviews in design, alternative analysis, project estimates, special provisions, plans specifications, training staff in bask InRoads functionality, directing technicians in CADD, coordinating with region and HQ support groups, and other aspects of project development…"

Mr. Jewkes describes the remaining ten percent of his time performing related miscellaneous construction work (5%) and performing related duties (5%) as required.

Michael Adams, Transportation Engineer 3, was serving as the interim supervisor for the unit following the departure of Mr. Jewkes previous supervisor, Kristen Daniel in December of 2008. (Note: Ms. Daniel submitted a summary of work for Mr. Jewkes; however this was outside of the timeframe for review (see Exhibit B-7). Mr. Adams disagrees with Mr. Jewkes' statements in the PDF and does not believe Mr. Jewkes performed TE 2 work more than 50% of the time. In the attachment to the PDF, (Exhibit B-2), Mr. Adams states that Mr. Jewkes, "…did coordinate with the Port of Walla Walla and other internal specialty groups from the middle of the month of May 09 through the end of July 09. I was gone during the last week of May through the middle of June, so Jeremy took on a more involved role dealing with our specialty groups and the port of Walla Walla through Anderson Perry Engineering. Jeremy's major tasks for the Blue Bridge project and the Burbank project that

he recently worked on is the roundabout design and earthwork quantities through the use of InRoads which are E1 duties."

Mr. Alex Sanguino, Assistant Project Engineer, also signed the PDF, and submitted an attachment (Exhibit B-3) to the PDF, disagreeing with Mr. Jewkes that he performed a wide range of duties. With respect to the design work, Mr. Sanguino states, "Jeremy states that he spent 90% of the time working on a wide range of duties – as listed on his submitted CQ, but to my knowledge he did not work on everything mentioned under 'Design', i.e., environmental documents, Hydraulic reports, divinations, coordinates and reviews projects with cities, counties and other agencies. Jeremy did coordinate with other functional groups within the agency, but that is all part of being (a) part of the project team. While Mr. Adams was gone, from late May 2009 to mid June 2009, Jeremy did have to get more involved in the coordination aspect to keep the project moving forward…"

During the telephone conference call, Mr. Jewkes discussed his time spent working on assignments which he believed to be TE2 level work. Subsequent to the telephone call, Mr. Jewkes submitted a spreadsheet which specifically documented his work hours from January 10, 2009 through July 24, 2009 (Exhibit A-12). The spreadsheet lists Mr. Jewkes' major job duties and corresponding work level and time spent performing those duties. In its reply to the spreadsheet, Exhibit B-10, WSDOT disagreed with the following items on the spreadsheet labeled as TE2: "…Roadway Modeling, Horizontal and Vertical Geometrics, Superelevation, Wall Design / Wall Site Data, Response to Bridge Site Data, Directing CAD operators, Design correspondence with DOT support groups, earthwork."

Mr. Jewkes spent the largest portion of his time (approximately 25%) modeling cross-sections. Roadway modeling is the final process used to create 3D models of projects, which is used to generate earthwork and surfacing quantities, and for generating cross-section notes that are used by the survey crew to layout the project. Typically, all Horizontal Alignments, Vertical Alignments and Roadway sections are complete prior to beginning the Roadway Modeling. The "InRoads" modeling software is the advanced portion of the software and uses the geometric information to create a 3D representation of the project. This includes applying decisions designed to follow design manual guidance to obtain superelevation, side slope information, guardrail widening, and to generate earthwork quantities.

Mr. Jewkes asserted the complexity and technical level of his work with the Inroads program couldn't be reviewed by anyone else on staff which is consistent with TE2 level work. It is undisputed that Mr. Jewkes is skilled in the use of the software and performs this task at a high level. However, Mr. Adams further clarified his written comments in the PDP by stating during the telephone conference that the overall scope of Mr. Jewkes' work involved modeling cross-sections which alone is not enough to qualify as TE2 work. Mr. Jewkes agreed the primary focus of his position involved modeling cross-sections. While Mr. Jewkes coordinated activities which he felt reached TE2 level work, Mr. Adams stated the majority of Mr. Jewkes' time was spent performing TE1 level work.

Mr. Jewkes spent approximately 15% of his time updating the design for the two single-lane roundabouts for the US 12 / Burbank project (Exhibit A-12). Following agency review and

approval by the HQ Traffic office, Mr. Jewkes analyzed both roundabouts and found deficiencies in meeting current Design Manual guidelines. Noting that the reviewers comments had not been incorporated into the designs, Mr. Jewkes spoke with the reviewer and proposed that they be modified to reflect the design guidelines. With approval, Mr. Jewkes redesigned both roundabout geometric elements and profiles including horizontal, vertical, striping, and curbing, etc. This design was carried through the PS&E process. Mr. Jewkes indicates he spent an additional 8.6% of his time giving direction to the unit's CADD operator during the review period, which included providing direction regarding assembly of the related plans.

WSDOT acknowledged the scope of these duties are considered TE 2 level work. However, WDOT asserts Mr. Jewkes did not produce the roundabout design. WSDOT stated the roundabout concept had previously been developed and approved and the roundabouts were already designed and reviewed when Mr. Jewkes recommended modifications to meet current design manual guidelines. He was not responsible for eliminating all other feasible intersection types to determine that the roundabouts were the best option (Exhibit B-10).

Further, WDOT (Mr. Sanguino) asserts Mr. Jewkes did not have responsibility for instructing and directing support staff in the preparation of quantities, estimates, grades, elevations, maps, plans, profiles, cross sections, details, structural notes, nor was he responsible for leading staff over other transportation engineers or CADD operators on either of the two primary projects identified in the PDF Exhibit B-3).

Mr. Jewkes spent approximately 5.6% of his time creating Wall Alignments and Profiles and preparing the "Wall Site Data Package" (Exhibit A-12). Mr. Jewkes stated that he established the wall alignments, stationing, profiles, and lengths during the process of package completion. These were then carried through to final design with minor modifications by the Bridge office. In this project the Bridge and Structures office in HQ added the wall plans to their sheets as all walls were related to structures (Exhibit A-11). WSDOT asserts that while Mr. Jewkes was responsible for establishing wall alignments, etc. and putting the package together, the wall alignments and profiles were determined from referencing and projecting already finalized roadway alignments and profiles. In addition, the scope of his responsibility for answering design questions was limited to responding to questions regarding design errors, and questions related to the naming of files in the Inroads program which is consistent with TE 1 level work (Exhibit B-10).

Mr. Jewkes identified coordinating and corresponding on design efforts with internal and external groups approximately 6% of his time (Exhibit A-12). During his supervisor's absence for a three week period Mr. Jewkes coordinated activities with internal and external work groups. Generally the communication was defined based on what the project included and what the groups required. During this time Mr. Jewkes provided information and discussed issues with internal work groups and external groups such as the Port of Walla Walla. WSDOT did not dispute that during this three week period this communication and coordination task was TE 2 level work. However, during the telephone conference, WSDOT stated the overall level of responsibility for this task was mitigated by Mr. Adams monitoring and responding to his messages during the absence and that Mr. Sanguino made decisions for any key issues during Mr. Adams' absence.

Summary of Mr. Jewkes' Perspective

Mr. Jewkes asserts the level of his construction design work and supervision received from his supervisor meets the Transportation Engineer 2 (TE 2) class. Mr. Jewkes asserted during the telephone conference that his position reaches the TE 2 class because of the complexity and technical level of his work with the Inroads software program and the independent nature with which he completes his work. He believes the overall complexity and technical nature of his work has elevated his position from entry to production level which would qualify him for the TE 2 class.

Summary of WSDOT's Reasoning

WSDOT acknowledges that Mr. Jewkes has performed increasingly responsible professional engineering work in his position. WSDOT acknowledges a portion of his duties involving aspects of roundabout design, directing the work of CADD support staff on occasion, and working with external contractors during his supervisor's absence is TE 2 level work. However, WSDOT asserts Mr. Jewkes did not perform a variety of TE 2 level work more than 50% of the time for the time period under review. Further, WSDOT asserts the majority of his work assignments clearly meet the requirements of the TE 1 class by working under close supervision, following set guidelines while gaining experience in the practical application of engineering concepts within the TE 1 class (Exhibit B-4).

Comparison of Duties to Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

Comparison of Duties to Transportation Engineer 2

The Definition for Transportation Engineer 2 (TE 2) states, "[p]erforms transportation engineering work under general supervision."

The level of supervision in this case is a factor because the definition of a TE 2 describes "general supervision," while the definition of a TE 1 notes "direct supervision." The level of supervision is further defined by the Washington State Classification and Pay Guide as follows:

> General supervision – Recurring assignments are carried out within established guidelines without specific instruction. Deviation from normal policies, procedures, and work methods require supervisory approval, and supervisory guidance is provided in new or unusual situations. The employee's work is periodically reviewed to verify compliance with policies and procedures.

> Direct supervision – work is performed in accordance with specific instructions regarding assignments to be completed and sequence of work steps to be employed. Decision-making authority is limited to clearly defined work procedures, formats and priorities. Work is reviewed for accuracy, and adherence to instructions and established procedures.

http://www.dop.wa.gov/CompClass/CompAndClassServices/Pages/HRProfessionalTools.aspx

Mr. Jewkes works under the general supervision of his supervisor and team lead as duties are assigned. The majority of his work is assigned through general instructions and is checked on an ongoing basis or when problems are encountered. His work is generally reviewed upon completion of assigned tasks. His overall level of supervision reaches the Definition for this class.

The Distinguishing Characteristics at the TE 2 level characterize this class by the, "independent application of standard engineering procedures and techniques to accomplish a wide variety of work in the office, laboratory, and/or field..." [Emphasis added]. The distinguishing characteristics also note the following:

> "Incumbents generally serve as full production staff or crew leaders [Emphasis added]. Work is assigned through general instructions and the setting of deadlines by a supervisor who engages in ongoing spot-check review, provides assistance when problems are encountered and reviews completed work. This role may include the leadership of technical support staff and entry level engineers such that incumbents are called upon to direct and train staff."

The scope of work, level of responsibility, and level of difficulty typically performed for Preliminary Engineering by the TE 2 level class includes the following:

> Performs responsible project development work such as: field reviews projects; evaluates alternate designs requiring detailed analysis of accident data, capacity studies, hydraulics, etc.; prepares and/or reviews prospectuses, design reports, hydraulics reports, access reports, environmental documents, design estimates . . . [Emphasis added].

Mr. Jewkes' position does not fully reach the requirements of the Distinguishing Characteristics of serving as a full production staff member with responsibility for completing a variety of responsible project development work, or of serving as a crew leader for assigned projects.

Full production preliminary engineering work involves the capability to independently apply standard engineering procedures and techniques to perform a wide variety of duties for an assigned project including evaluating preliminary designs requiring detailed analysis of data; preparing and evaluating prospectuses, design reports, hydraulic reports, contract plans, specifications and estimates, completing hydraulics reports, accident analysis, roadway modeling, and completing field reviews both before and after the project is completed. Work at this level generally includes responsibility for coordinating and reviewing projects

with internal and external work groups; instructing and directing support staff in preparing quantities, estimates, grades, elevations, plans, etc; and directing CADD operators or performing the most complex drafting involving interchanges, new alignments, and non-standard applications.

Mr. Jewkes position does not have this full scope of responsibility. His responsibilities are best described as being supportive in nature with primary responsibility for completing defined tasks within the broader scope of previously designed, developed, or completed higher level work by other professional staff.

This overall level of responsibility fits more appropriately within the broader context of gaining additional practical knowledge and experience as a professional engineer. Further, incumbents at the TE2 level are capable of completing assignments with a minimum of supervision and ongoing review of completed tasks by their supervisor or other higher level staff. In total, Mr. Jewkes position does not fully have that level of responsibility for independent action.

While it is undisputed that a portion of Mr. Jewkes assigned duties reach the TE 2 level of difficulty, the preponderance of his assignments were not performed at this level for a majority of time as required. When completing large scale projects similar to the ones worked on during the review period, the Richland office assigns multiple TE2's and TE1's and other technical support staff work to complete individual components of the project, which are overseen and reviewed by higher level (TE2) staff who have primary responsibility for project completion.

Mr. Jewkes has performed increasingly responsible professional engineering work in his position. A portion of duties involving aspects of roundabout design, directing the work of CADD support staff on occasion, and working with external contractors during his supervisor's absence is TE2 level work. However, Mr. Jewkes did not perform a variety of TE 2 level work more than 50% of the time for the time period under review. For these reasons Mr. Jewkes position should not be reallocated to the Transportation Engineer 2 class specification.

Comparison of Duties to Transportation Engineer 1

The Transportation Engineer 1 (TE 1) definition states, "[p]erforms a variety of beginning level transportation engineering work under the direct supervision of a higher level engineer."

Mr. Jewkes overall level of supervision exceeds the Definition for this class.

The Distinguishing Characteristics at the TE 1 level describe this class as "the entry level for individuals who have attained a Bachelor's degree in civil or structural engineering and/or certification as an Engineer-in-Training." The distinguishing characteristics also note the following:

> "Work assignments and training are designed to develop professional capabilities, familiarize staff with the procedures and practices of the agency and provide experience in the practical application of engineering concepts and techniques to resolve transportation issues in an on-the-job environment. Assignments and related training develop skills in the broad spectrum of engineering practiced within the Department. Initial work assignments are performed under close supervision and are oriented toward both training/exposure and productivity."

Although the examples of work do not form the basis for an allocation, they lend support to the work envisioned within a classification. The following provides an example of the level of work assigned to the TE 1 class, as stated on the class specification:

> "Assists in preparation of design reports utilizing basic design manual applications. . . . Prepares access reports, environmental documents and special studies. Researches and writes portions of design reports and assists in the evaluation of alternative designs."
> . . .
>
> "Assists in the preparation of plans, specifications, and estimates."

The examples listed above are consistent with the majority of Mr. Jewkes' work as stated in the PDF and submitted spreadsheet with regard to assisting in the preparation and evaluation of designs, plans, specifications, and estimates.

It is clear that the degree to which Mr. Jewkes works independently, and the degree to which the level of his duties and responsibilities have increased in his position over time. This is reflected in the portion of his work involving assisting in developing and completing portions of roundabout designs, directing the work of CADD support staff on occasion, and working with external contractors during his supervisor's absence. While these duties reach the TE 2 level of responsibility, this higher level work comprises approximately only 36% of his total work assignments as identified in the spreadsheet submitted as Exhibit A-12.

At times, positions will perform work in more than one classification, in many instances to provide an incumbent the opportunity to learn higher-level duties within a job series. A position's allocation, however, is based on the majority (over 50%) of assigned duties. The Personnel Resources Board (PRB) addresses such an issue in the following decision:

> Most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. See Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

Mr. Jewkes' allocation is not a measurement of his performance. In reviewing the information provided and discussing his work during the telephone conference; it is clear Mr. Jewkes is a valued and high performing employee. The comments throughout the process show his commitment to his work, as well as the importance of the work he performs. A position's allocation, however, is limited to the duties and responsibilities assigned and how the majority of those duties best fit into the available job classifications. During the period of time under this review, the majority of his work assignments are more closely aligned with the requirements of the TE 1 class by performing a fairly narrow scope of professional engineering tasks while following set guidelines and gaining experience in the practical application of engineering concepts within the TE 1 class level. Therefore, the Transportation Engineer 1 classification best describes his position #51035.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

> An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board . . . . Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 600 South Franklin, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 753-0139.

If no further action is taken, the Director's determination becomes final.

c: Jeremy Jewkes
Bill Kalibak, IFPTE
Janet Kinney, WSDOT
Niki Pavlicek, WSDOT
Lisa Skriletz, DOP

Enclosure: List of Exhibits

List of Exhibits

A. Jeremy Jewkes Exhibits

1. Director's Review Request October 7, 2009
2. Agency Allocation determination letter September 8, 2009
3. December 3, 2009 email outlining exhibits
4. 2009 Employee Performance Review
5. Employee feedback to 2009 Employee Performance Review
6. Unsigned copy Position Description
7. Letter of support from Darin Evans, TE1
8. September 9, 2009 email and letter from Kristen Daniel, former supervisor
9. Design Team Weekly Reports (24 pages)
10. Designers Weekly Reports (100+ pages)
11. April 16, 2009 email from Jeremy Jewkes to Kris Brophy regarding statement of position duties
12. Summary of Work for Jeremy Jewkes (Excel spreadsheet)

B. Department of Transportation Exhibits

1. Position Description class code 530L, dated July 27, 2009
2. Position Description attachment from Michael Adams dated 8/31/2009
3. Position Description attachment from Alex Sanguino dated 8/11/2009
4. Agency Allocation Determination letter dated September 8, 2009
5. Position Description class code 530K; effective date 8/1/2008
6. Organizational Chart (South Central Region Project Engineer – Richland)
7. Email from Janet Kinney to Michelle McNamara dated September 30, 2009 Re: Jeremy Jewkes – attached letter from Kristen Daniel – former supervisor
8. Class Specification: Transportation Engineer 1 (530K)
9. Class Specification: Transportation Engineer 2 (530L)
10. Email from Niki Pavlicek to Kris Brophy, dated April 16, 2010, responding to Jeremy Jewkes position statement